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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,780	09/28/2000	Larry P. Mason	020431.0732	8341

53184 7590 10/14/2005

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EXAMINER	
NGUYEN, THU HA T	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/675,780	Applicant(s) MASON, LARRY P.	
	Examiner Thu Ha T. Nguyen	Art Unit 2155	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *none*.
   Claim(s) objected to: *none*.
   Claim(s) rejected: *1,4-11,14-21, and 24-29*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Attachment to Advisory Action

1. The request for reconsideration filed September 22, 2005 has been considered but are not persuasive because of the following reasons:

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to incorporate a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags; and the web page processing engine further operable to communicate with the first output and the custom content generation tags to the web server of Britton into Claussen system because it would conventionally employed in the art to provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

3. Applicant argues that Claussen and Britton combination does not teach or suggest the use of one engine to transform standard content generation

tags and a second engine to transform custom content generation tags. In response to applicant's argument, examiner submits that Claussen teach a transformation engine uses to translate/convert custom content generation tags (abstract, col. 3 lines 30-42, col. 10 lines 34-col. 13, line 4) and Britton in combination with Claussen teach content tailoring system converts a standard content generation tags (col. 6, line 7-col. 7, line 62). Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of Britton into the system of Claussen to have a web page processing operable to transform the standard content generation tags because it would provide an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

4. Applicant argues Claussen and Britton do not teach a web page processing engine operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags; and the web page processing engine further operable to communicate with the first output and the custom content generation tags to the web server. In response to applicant's argument, examiner asserts Britton teaches a web page processing operable to transform the standard content generation tags into a first output that the web browser is able to interpret, the web page processing engine unable to interpret the custom content generation tags (figure 1, col. 6, line 7, col. 7, line 35); and the web page processing engine further operable to communicate with

the first output and the custom content generation tags to the web server (col. 7, lines 36-62.

5. Applicant argues that neither Claussen nor Britton teach or suggest that the custom content generation tags comprise JSP custom tags and that the web page processing engine comprises a JSP engine unable to process the JSP custom tags. In response to applicant's argument, examiner asserts that Claussen teaches the custom content generation tags comprise JSP custom tags as shown in col. 5 lines 48-col. 6 lines 32 and Britton teaches web page processing engine comprises a JSP engine unable to process the JSP custom tags as shown in abstract, col. 6 lines 7-col. 7 lines 62. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Claussen and Britton to include a custom tags transformation engine because it would have provided an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

6. Applicant argues that Claussen and Britton does not teach or suggest the web page processing engine is operable to attach a header to the unprocessed custom content generation tags, the header indicating the presence of the unprocessed custom content generation tags; and the web server is operable to communicate the unprocessed custom content generation tags to the transformation engine in response to the header. In response to applicant's argument, examiner asserts that Britton does teach or suggest the feature of the web page processing engine is operable to attach a header to the unprocessed

custom content generation tags, the header indicating the presence of the unprocessed custom content generation tags; and the web server is operable to communicate the unprocessed custom content generation tags to the transformation engine in response to the header as shown in abstract, figure 1, col. 6 lines 7-col. 7 lines 62. Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Claussen and Britton to include a custom tags transformation engine because it would have provided an efficient communications system that can modify and format web page content for various types of pervasive computing devices (see Britton col. 3, lines 7-27).

7. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 11, 21 and 29. Claims 4-11, 14-21, and 24-28 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this response and also in the previous office action [date 06/17/05].

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or

proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ThuHa Nguyen

October 7, 2005